

THE UNIVERSAL WASTE RULE and HAZARDOUS WASTE LAMPS

The new Universal Waste Rule (UWR) maintains that lamps that fail the Toxic Characteristic Leaching Procedure (TCLP) test must be recycled or disposed of as hazardous wastes.

The ruling brings heightened awareness to the environmental issues at hand. Each year, some 600 million hazardous waste fluorescent lamps are disposed of nationwide. Stricter enforcement of proper handling procedures for hazardous lamps will minimize health risks from mercury contamination and protect the environment. The Universal Waste Rule also applies to other types of lamps that fail the TCLP test that are not considered to be fluorescent lamps.

What is the Universal Waste Rule?

The UWR, part of the Resource Conservation and Recovery Act (RCRA), governs the handling of certain hazardous wastes. In 1995 the UWR only dealt with batteries, pesticides and thermostats; after much debate and discussion with numerous state agencies, end users, trade groups, etc. the UWR was expanded in July 1999 to include mercury-containing lamps. In an effort to encourage recycling, the UWR eases and simplifies compliance. Spent, packaged lamps can be transported on regular trucks. Additionally, the burden of detailed record-keeping shifts from the end user to the recycler. There are significant regulatory requirements which will have to be met for non-TCLP-compliant lamps, unless the user is a household or generates less than 220 lbs. of hazardous waste per month.

Waste Disposal Under UWR Guidelines

The new UWR recognizes four categories of participants in the Universal Waste Management system: small quantity handlers (SQHUW), large quantity handlers (LQHUW), transporters and destination facilities.

There are two types of handlers. The first is a person who generates the hazardous waste lamps (i.e. the user) who then determines the lamps should be discarded. The second type of handler is a person who receives hazardous waste lamps from generators or other handlers, consolidates the lamps and sends the lamps on to other universal waste handlers, recyclers or treatment and disposal facilities. Handlers may store hazardous waste lamps for up to one year from the date of receipt. Note that contractors who remove hazardous waste lamps from service are considered handlers and co-generators of the waste. The cutoff between a small quantity handler and a large quantity handler is 5,000 kilograms at any time in a calendar year (equivalent to 11,000 pounds or 17,000 four foot T 12's or 26,000 four foot T 8's). The 5,000 kilograms consists of all batteries, pesticides, thermostats and lamps collectively. There are several more significant differences between small and large quantity handlers. Large quantity handlers are required to have EPA ID numbers; small quantity handlers are not. While small quantity handlers are not required to keep records of shipments, large quantity handlers and the destination facilities are required to keep records. These records must contain the shipper's name, address and the number of units shipped. Records must be kept for three years.

There are training requirements for small and large quantity handlers. Large quantity handlers must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures related to their responsibilities during normal operations and during emergencies. Small quantity handlers must inform all employees handling or having responsibility for universal waste lamps of proper procedures appropriate to such lamps.

A universal waste "transporter" is a "person engaged in the off-site transportation of universal waste by air, rail, highway or water". Transportation may pose special problems. Whenever universal wastes are moved within or through a state that does not adopt the UWR, a hazardous waste manifest and a hazardous waste transporter must be used. A Universal Waste "destination facility" is a "facility that treats, disposes of, or recycles a particular category of universal waste".

Any releases from broken lamps and all residues from the breakage must be handled according to all applicable regulatory requirements. Furthermore, "The agency notes that any releases of universal waste not cleaned up could constitute illegal disposal and could bring an enforcement action under RCRA. In addition, any releases of hazardous substances (universal wastes are hazardous wastes, and thus are hazardous substances) must be reported under CERCLA if they are above reportable quantity thresholds". Hazardous waste lamps cannot be crushed in South Carolina, except at destination facilities, which are subject to all of the provisions of R.61-79.

The Future

Efforts in the environmental arena are sure to grow only stronger, and the signing of the Universal Waste Rule for lamps is a significant milestone in pursuing total environmental commitment from lamp manufacturers, end users and the federal government. "The UWR will better protect public health and the environment from mercury contamination by encouraging recycling of fluorescent lamps," said EPA Administrator Carol M. Browner.